

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	3:15-cr-00001-HDM-VPC
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
CLAY SERENBETZ,)	
)	
Defendant.)	
)	

On August 8, 2016, the defendant filed a motion to quash a subpoena issued to JPMorgan Chase Bank seeking defendant's bank records (ECF No. 79). The government has opposed the motion (ECF No. 82), and defendant has replied (ECF No. 83).

On December 10, 2015, the court entered a judgment against defendant that included criminal monetary penalties in the amount of \$52,100.00. The defendant has paid the assessment and restitution portions of the penalties, totaling \$2,100.00. A substantial portion of defendant's \$50,000.00 fine remains outstanding. In an effort to begin collection proceedings on the fine, the government has served a subpoena on JPMorgan Chase Bank seeking defendant's banking records. Defendant asks the court to quash this subpoena.

1 Defendant has not provided the court with any controlling
2 authority that would preclude the government from proceeding with
3 the subpoena in an effort to collect the outstanding fine while the
4 case is on appeal. In fact, the government's "ability to execute
5 upon a monetary judgment notwithstanding a pending appeal is
6 implicitly recognized by Fed. R. Civ. P. 62(d)-(f) and Fed. R.
7 Crim. P. 38(c) & (e), which provide civil and criminal judgment
8 debtors, respectively, the opportunity to seek a stay of
9 enforcement of the judgment, or other appropriate relief, pending
10 appeal." *United States v. Kieffer*, 2010 WL 2231806, at *3 (D.N.D.
11 2010). No motion for a stay has been filed.

12 Defendant's remaining arguments in opposition to the subpoena
13 are without merit. Accordingly, the defendant's motion to quash
14 subpoena (ECF No. 79) is **DENIED**.

15 IT IS SO ORDERED.

16 DATED: This 15th day of September, 2016.

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18 UNITED STATES DISTRICT JUDGE
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